

## **REMARKS**

Applicant acknowledges receipt of, and extends thanks for, the Examiner's consideration of this Application provided in the Final Office Action dated March 1, 2010 and in the Advisory Action dated May 20, 2010. In further response thereto, these remarks are submitted under 37 C.F.R. 1.116. Reconsideration and withdrawal of the final rejection of Claims 26-49 is again respectfully requested pursuant to 37 C.F.R. 1.116.

**1. The rejection of Claims 26-34, 36-45 and 47 under 35 USC 103(a) over Straub (USP5873882) in view of Kocak (USP 4705511) :**

It was explained in Applicant's response under 37 CFR 1.116 dated May 10, 2010 that this ground of rejection should be withdrawn and the claims allowed for at least the following reasons.

With regard to independent claim 26, Straub (USP5873882) fails to show or suggest: "an end wall capping said cylindrical bore at said distal end of said working head" (see claim 26, lines 8-9 thereof); "a distal end configured to rotate relative to said end wall, wherein said distal end abuts said end wall" (see claim 26, lines 18-19 thereof); "said helix having an external diameter fitting the diameter of said cylindrical bore to rotate therein in contact therewith" (see claim 26, lines 21-23 thereof); "flexible transport screw having sharp edges" (see claim 26, line 24 thereof); and, "internal edges in contact with said flexible transport screw distal part edges to shear and comminute material" (see claim 26, lines 25-27 thereof).

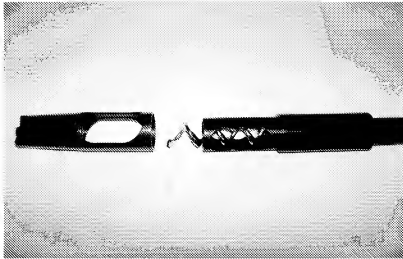
Further, with regard to independent claim 47, Straub (USP5873882) fails to show or suggest: "an end wall capping said cylindrical bore at said distal end of said working head" (see claim 47, lines 8-9 thereof); "a distal end configured to rotate relative to said end wall, wherein said distal end abuts said end wall" (see claim 47, lines 18-19 thereof); "said helix having an external diameter fitting the diameter of said cylindrical bore to rotate therein in contact therewith" (see claim 47, lines 21-23 thereof); "flexible transport screw

having sharp edges" (see claim 47, line 24 thereof); and, "internal edges in contact with said flexible transport screw distal part edges to shear and comminute material" (see claim 47, lines 25-27 thereof).

The absence of these elements in Straub (USP5873882) may be understood with reference to the text and drawings of the Straub reference itself, and with reference to the larger-scale model depicted in the photographs below:



A.



B.

As may be readily understood, with reference to picture A above depicting a large-scale model according to Figs. 2-3, 6-8 of Straub US5873882, a rotor (also shown in separation in picture B) 16 is driven

in rotation by the connected drive shaft 32. Accordingly, independent claims 26 and 47 define over the combination of Straub and Kocak. For contrast, the immediately-below picture C depicts a large-scale model of a version of the present invention.



C.

With regard to dependent claims 27, 30, 33, 34, 36-38, 43, the combination of Straub (USP5873882) in view of Kocak (USP4705511) fails to show or suggest the features recited therein.

**2. The rejection of Claims 35, and 48-49 under 35 USC 103(a) over Straub (USP5873882) in view of Kocak (USP4705511), further in view of Evans et al (USP5312425):**

With regard to dependent claim 35, the further combination of Evans et al (USP5312425) would not cure the deficiencies noted in argument subsection 1 above, and Evans et al. refers, in Fig. 5 thereof, to a particular cylindrical housing.

With regard to independent claim 48, Straub (USP5873882) fails to show or suggest: "an end wall capping said cylindrical bore at said distal end of said working head" (see claim 48, lines 8-9 thereof); "a distal end configured to rotate relative to said end wall, wherein said distal end abuts said end wall" (see claim 48, lines 18-19 thereof); "said helix having an external diameter fitting the diameter of said cylindrical

bore to rotate therein in contact therewith" (see claim 48, lines 21-23 thereof); and, "internal edges in contact with said flexible transport screw distal part edges to shear and comminute material" (see claim 48, lines 28-29 thereof).

**3. The rejection of Claim 46 under 35 USC 103(a) over Straub (USP5873882) in view of Kocak (USP4705511), further in view of Clement et al (USP6565588) :**

As dependent claim 46 depends on and incorporates independent claim 26, it is likewise allowable standing with independent claim 26, as explained above within subsection 1 of this response.

### **CONCLUSION**

All of Applicants' Claims 26-49 as currently presented are in condition for allowance, and favorable notice of allowability and immediate passage of this Application towards issuance without further delay are respectfully solicited. Entry of the accompanying remarks into the record is respectfully requested. A one-month extension of time accompanies this further response to the March 1, 2010 Office Action. In the event that there are any fee deficiencies or additional fees are payable, please charge the same or credit any overpayment to our Deposit Account (Account No. 11-0223).

The Examiner is invited to contact Applicant's representative at (732)634-7634 if he believes that such communication may further advance and facilitate the efficient handling of the present Application or further simplify the issues for Appeal.

Respectfully submitted,

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